

REFERENCE TITLE: municipalities; counties; fire sprinklers; codes

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2267

Introduced by
Representatives Crump, Barto: Biggs, Burges, Murphy, Pratt

AN ACT

AMENDING TITLE 9, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-807; AMENDING SECTION 11-861, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL AND COUNTY CODES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 9, chapter 7, article 1, Arizona Revised Statutes, is
3 amended by adding section 9-807, to read:

9-807. Mandated fire sprinklers in certain residences prohibited: exception

6 A MUNICIPALITY SHALL NOT ADOPT A CODE OR ORDINANCE OR PART OF A UNIFORM
7 CODE OR ORDINANCE THAT PROHIBITS A PERSON OR ENTITY FROM CHOOSING TO INSTALL
8 OR EQUIP OR NOT INSTALL OR EQUIP FIRE SPRINKLERS IN A SINGLE FAMILY DETACHED
9 RESIDENCE OR ANY RESIDENTIAL BUILDING THAT CONTAINS NOT MORE THAN TWO
10 DWELLING UNITS. A MUNICIPALITY SHALL NOT IMPOSE ANY FINE, PENALTY OR OTHER
11 REQUIREMENT ON ANY PERSON OR ENTITY FOR CHOOSING TO INSTALL OR EQUIP OR NOT
12 INSTALL OR EQUIP FIRE SPRINKLERS IN SUCH A RESIDENCE. THIS SECTION DOES NOT
13 APPLY TO ANY CODE OR ORDINANCE THAT REQUIRES FIRE SPRINKLERS IN A RESIDENCE
14 AND THAT WAS ADOPTED BEFORE DECEMBER 31, 2007.

15 Sec. 2. Section 11-861, Arizona Revised Statutes, is amended to read:

11-861. Adoption of codes by reference; limitations; method of adoption; authorized or prohibited codes

18 A. In any county which has adopted zoning pursuant to this chapter,
19 the board of supervisors may adopt and enforce, for the unincorporated areas
20 of the county so zoned, a building code and other related codes to regulate
21 the quality, type of material and workmanship of all aspects of construction
22 of buildings or structures, except that the board may authorize that areas
23 zoned rural or unclassified may be exempt from the provisions of the code
24 adopted. Such codes may be adopted by reference after notice and hearings
25 before the county planning and zoning commission and board of supervisors as
26 provided in this chapter for amendments to the zoning ordinance of the
27 county.

28 B. The board of supervisors may adopt a fire prevention code in the
29 unincorporated areas of the county in which a fire district has not adopted
30 ~~the uniform~~ A NATIONALLY RECOGNIZED fire code pursuant to section 48-805.
31 Any fire code adopted by a board of supervisors pursuant to this subsection
32 shall remain in effect until a fire district is established and adopts a code
33 applicable within the boundaries of the district.

34 C. For the purpose of this article, codes authorized by subsections A
35 and B of this section shall be limited to the following:

36 1. Any building, electrical, plumbing, or mechanical code that has
37 been adopted by any national organization or association that is organized
38 and conducted for the purpose of developing codes or that has been adopted by
39 the largest city in that county. If the board of supervisors adopts a city
40 code, it shall adopt, within ninety days after receiving a written
41 notification of a change to the city code, the same change or shall terminate
42 the adopted city code.

1 2. Any fire prevention code that has been adopted by a national
2 organization or association organized or conducted for the purpose of
3 developing fire prevention codes and that is as stringent as the state fire
4 code adopted pursuant to section 41-2146.

5 D. The board of supervisors may adopt a current wildland-urban
6 interface code. The code may be adapted from a model code adopted by a
7 national or international organization or association for mitigating the
8 hazard to life and property. The board must follow written public procedures
9 in the development and adoption of the code and any revisions to the code to
10 provide effective, early and continuous public participation through:

11 1. The broad dissemination and publicity of the proposed code and any
12 revisions to the code.

13 2. The opportunity for submission and consideration of written public
14 comments.

15 3. Open discussions, communications programs and information services.

16 4. Consultation with federal agencies and state and local officials.

17 E. THE BOARD OF SUPERVISORS OF A COUNTY SHALL NOT ADOPT A CODE OR
18 ORDINANCE OR PART OF A UNIFORM CODE OR ORDINANCE THAT PROHIBITS A PERSON OR
19 ENTITY FROM CHOOSING TO INSTALL OR EQUIP OR NOT INSTALL OR EQUIP FIRE
20 SPRINKLERS IN A SINGLE FAMILY DETACHED RESIDENCE OR ANY RESIDENTIAL BUILDING
21 THAT CONTAINS NOT MORE THAN TWO DWELLING UNITS. THE BOARD OF SUPERVISORS OF
22 A COUNTY SHALL NOT IMPOSE ANY FINE, PENALTY OR OTHER REQUIREMENT ON ANY
23 PERSON OR ENTITY FOR CHOOSING TO INSTALL OR EQUIP OR NOT INSTALL OR EQUIP
24 FIRE SPRINKLERS IN SUCH A RESIDENCE. THIS SUBSECTION DOES NOT APPLY TO ANY
25 CODE OR ORDINANCE THAT REQUIRES FIRE SPRINKLERS IN A RESIDENCE AND THAT WAS
26 ADOPTED BEFORE DECEMBER 31, 2007.